

**BROOKS, PIERCE, McLENDON, HUMPHREY & LEONARD, L.L.P.**

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SPECIAL COUNSEL

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JANICE L. KOPEC  
SUSAN M. YOUNG

June 30, 2005

**VIA OVERNIGHT MAIL AND ECFS**

Ms. Marlene H. Dortch  
Secretary  
Federal Communications Commission  
9300 East Hampton Drive  
Capitol Heights, MD 20743

c/o Mellon Client Service Center  
500 Ross Street, Room 670  
Pittsburgh, Pennsylvania 15262-0001

Attention: Lockbox Number 358165

**Re: WSIL-DT, Harrisburg, Illinois  
MB Docket No. 03-15  
Supplement to Maximization Waiver Request and  
Request for Extension of Special Temporary Authority**

Dear Ms. Dortch:

On behalf of WSIL-TV, Inc. ("WSIL"), permittee of Digital Television Station WSIL-DT, Harrisburg, Illinois, this letter shall serve as a supplement to WSIL's "use-it-or-lose-it" maximization waiver request (filed by letter dated May 10, 2005) for the purpose of providing the information requested

Ms. Marlene H. Dortch  
June 30, 2005  
Page 2

in the Commission's June 15, 2005, Public Notice, DA 05-1636. As certified in its Form 381 filing (FCC File No. BCERCT-20041105AIH), WSIL intends to operate its post-transition DTV station based on its maximized facilities as authorized by its construction permit in FCC File No. BPCDT-19991019ABM.

This letter shall also serve as a request by WSIL for an extension of special temporary authority ("STA") to operate WSIL-DT at variance from its authorized parameters during the pendency of WSIL's maximization waiver request. The Commission last extended WSIL's STA on May 24, 2005, for a term expiring July 1, 2005 (BEDSTA-20050505ACN). The STA expiration is concomitant with the use-it-or-lose-it maximization deadline.

A copy of WSIL's May 10, 2005, maximization waiver request is enclosed. Also enclosed is an engineering statement from WSIL's consulting engineer which provides further information in support of WSIL's waiver request.

As indicated in the waiver request filed May 10, 2005, it is physically impossible for WSIL to construct its DTV top-mount maximized facility until its top-mount NTSC antenna is removed at the end of the DTV transition. However, WSIL is presently operating its DTV facility at maximum permissible power from its STA authorized HAAT. As further detailed in the attached engineering statement, WSIL's current DTV STA operation covers approximately 95.5 percent of WSIL's predicted maximized coverage.

Were WSIL required to fully comply with the July 1, 2005, deadline, WSIL would have to expend considerable costs to move its NTSC antenna to a lower level on the tower. These costs, which would include the cost of purchasing an NTSC side-mount antenna, installation, and reworking the transmission line, would be "sunk costs" in equipment and labor that will only be useful until the DTV transition is complete. Furthermore, because compliance with the July 1, 2005, deadline would require WSIL to lower its NTSC antenna, compliance would result in a loss of NTSC service to nearly 57,000 viewers.

WSIL is, of course, dedicated to digital television and will be able to complete installation of WSIL-DT's maximized DTV facility and fully comply with the maximization requirement after analog operation terminates.

During the pendency of WSIL's maximization waiver request, WSIL requests extension of its DTV STA. This extension request proposes continued operation with the station's ERP at its full authorized 1000 kW and at a reduced HAAT of 302 meters (reduced antenna radiation center of 451 meters). The STA operation is otherwise consistent with that permitted by WSIL's DTV construction permit (FCC File No. BPCDT-19991019ABM).

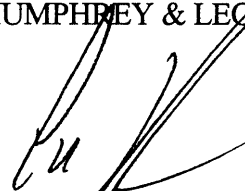
Enclosed are an FCC Form 159 with a check for \$150.00 to cover the requisite STA filing fee and an Anti-Drug Abuse Act Certification.

Ms. Marlene H. Dortch  
June 30, 2005  
Page 3

If any questions should arise during the course of your consideration of this request, it is respectfully requested that you communicate with this office.

Sincerely,

BROOKS, PIERCE, McLENDON,  
HUMPHREY & LEONARD, L.L.P.



Mark J. Prak  
Coe W. Ramsey  
*Counsel to WSIL-TV, Inc.*

Enclosures

cc: Shaun Maher, FCC (via email and hand delivery)  
Vernese O'Bryant, FCC (via email)  
Nazifa Sawez, FCC (via email)  
Nai Tam, FCC (via email)

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601 PENNSYLVANIA AVENUE, N.W.  
SUITE 900, SOUTH BUILDING  
WASHINGTON, D.C. 20004

WRITER'S DIRECT DIAL

May 10, 2005

**RECEIVED**

MAY 10 2005

Federal Communications Commission  
Office of Secretary

**EXPEDITED PROCESSING REQUESTED**

Ms. Marlene H. Dortch  
Secretary  
Federal Communications Commission  
9300 East Hampton Drive  
Capitol Heights, MD 20743

Re: **WSIL-TV, Harrisburg, IL**  
**Request for Maximization/Replication Waiver**

Dear Ms. Dortch:

On behalf of WSIL-TV, Inc. ("WSIL"), the license of WSIL(TV), Harrisburg, IL, this letter shall serve as WSIL's request for waiver of the Commission's use-it-or-lose-it maximization/replication deadline of July 1, 2005. *See Second Periodic Review of the Commission's Rules and Policies Affecting the Conversion to Digital Television*, Report and Order, FCC 04-192 (Rel. Sept. 7, 2004) ("DTV R&O"), at ¶¶ 83, 87.

As certified in its Form 381 filing (FCC File No. BCERCT-20041105AIH), WSIL intends to operate its post-transition DTV station based on its maximized facilities as authorized by its construction permit in FCC File No. BPCDT-19991019ABM. The parameters of WSIL's maximized facilities assume a top-mount DTV antenna and are as follows:

<b><i>Maximized Construction Permit</i></b>		
<b>Channel</b>	<b>ERP</b>	<b>HAAT</b>
34	1000 kW	301.8 meters

WSIL is presently operating its DTV facility pursuant to its DTV STA in FCC File No. BDSTA-20020905ABU using a side-mount DTV antenna in accordance with the following parameters:

<b><i>Current STA Operation</i></b>		
<b>Channel</b>	<b>ERP</b>	<b>HAAT</b>
34	1000 kW	265.2 meters

Pursuant to FCC File No. BLCT-19850301KE, WSIL's NTSC antenna is located at 302 meters HAAT on the same tower that is specified in WSIL's DTV construction permit. Because WSIL's NTSC antenna will need to remain in operation during the DTV transition, it is physically impossible for WSIL to construct its DTV facility at 301.8 meters until the top-mount NTSC antenna is removed. WSIL notified the Commission that it would be filing the instant waiver request in connection with its FCC Form 381 filing.

In the *DTV R&O*, the Commission stated that it "will establish a limited waiver process and grant extensions of the applicable replication or maximization interference protection deadline on a six-month basis if good cause is shown." *DTV R&O*, at ¶ 87. Stations "that cannot build out for reasons beyond their control" may seek a waiver. *DTV R&O*, at ¶ 83. The instant case clearly presents a circumstance beyond WSIL's control, as it is physically impossible to top mount WSIL-DT's antenna until the end of the DTV transition at which time WSIL's top-mount NTSC antenna may be removed.

Grant of the instant waiver request would not undermine the digital transition and unwavering enforcement of the use-it-or-lose-it maximization/replication deadline against WSIL would be inequitable and contrary to reason and the public interest. Absent a waiver, WSIL would be required to remove and relocate its NTSC antenna, which would likely require WSIL to purchase a side-mount antenna for its temporary NTSC operation. Not only would such modification to WSIL's NTSC facility involve a sunk cost in equipment that will only be useful until the DTV transition is complete, but such modification would likely involve a reduction of WSIL's NTSC height and power, and thus, result in a loss of NTSC service to some of WSIL's viewers.

Marlene H. Dortch  
May 10, 2005  
Page 3

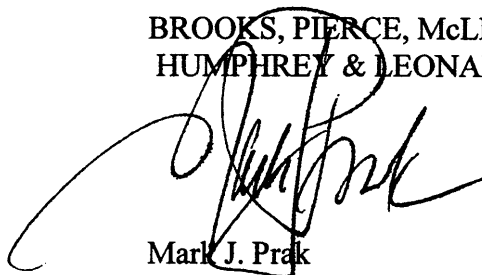
Though it is physically impossible for WSIL to operate its DTV station at its allotted HAAT until the DTV transition is complete, WSIL is, of course, dedicated to digital television and is operating its facility at maximum permissible power from its currently authorized, albeit lower, HAAT.

For the foregoing reasons, WSIL believes that a waiver of the Commission's use-it-or-lose-it maximization/replication deadline is warranted in this case and is necessary or otherwise in the public interest.

If any questions should arise during the course of your consideration of this request, it is respectfully requested that you communicate with this office.

Sincerely,

BROOKS, PIERCE, McLENDON,  
HUMPHREY & LEONARD, L.L.P.

A handwritten signature in black ink, appearing to read 'Mark J. Prak', is written over the typed name and firm name.

Mark J. Prak  
Coe W. Ramsey  
*Counsel to WSIL-TV, Inc.*

cc: Clay Pendarvis, FCC (via email)  
Nazifa Sawez, FCC (via hand delivery)

**WSIL T.V.**  
**OPERATING ACCOUNT**  
1416 COUNTRY AIR DRIVE  
CARTERVILLE, IL 62918



**Banterra Bank**  
Harris, IL 62948

2539

70-2259-812

WSIL-TV  
HARRISBURG 150 000 00

PAY

TO  
THE  
ORDER  
OF

\*

FCC

DATE

6/24/05

AMOUNT

\$150.00

*Steve White*

⑈002539⑈ ⑆081222593⑆ ⑈611 437 7⑈

**WSIL T.V.**  
**OPERATING ACCOUNT**

DETACH AND RETAIN THIS STATEMENT  
THE ATTACHED CHECK IS IN PAYMENT OF ITEMS DESCRIBED BELOW  
IF NOT CORRECT PLEASE NOTIFY US PROMPTLY. NO RECEIPT DESIRED.

DELUXE BUSINESS FORMS 1-800-328-0304 www.deluxeforms.com

**DELUXE - FORM TWCB-3 V-2**

DATE	DESCRIPTION	AMOUNT
6/24/05	FCC FOR LOCK BOX# 358165	\$150.00

READ INSTRUCTIONS CAREFULLY BEFORE PROCEEDING  (1) LOCKBOX # <b>358165</b>	FEDERAL COMMUNICATIONS COMMISSION <b>REMITTANCE ADVICE</b>	Approved by OMB 3060-0589 Page No <u>1</u> of <u>1</u>
		SPECIAL USE FCC USE ONLY
<b>SECTION A - PAYER INFORMATION</b>		
(2) PAYER NAME (if paying by credit card, enter name exactly as it appears on your card) <b>WSIL-TV, Inc.</b>		(3) TOTAL AMOUNT PAID (U.S. Dollars and cents) <b>\$150.00</b>
(4) STREET ADDRESS LINE NO. 1 <b>5009 South Hulen</b>		
(5) STREET ADDRESS LINE NO. 2 <b>Suite 101</b>		
(6) CITY <b>Fort Worth</b>		(7) STATE <b>TX</b>
(8) ZIP CODE <b>76132</b>		
(9) DAYTIME TELEPHONE NUMBER (include area code) <b>(919) 839-0300</b>		(10) COUNTRY CODE (if not in U.S.A.)
<b>FCC REGISTRATION NUMBER (FRN) AND TAX IDENTIFICATION NUMBER (TIN) REQUIRED</b>		
(11) PAYER (FRN) <b>0002808137</b>		(12) PAYER (TIN) <b>371098627</b>
IF PAYER NAME AND THE APPLICANT NAME ARE DIFFERENT, COMPLETE SECTION B IF MORE THAN ONE APPLICANT, USE CONTINUATION SHEETS (FORM 159-C)		
(13) APPLICANT NAME <b>WSIL-TV, Inc.</b>		
(14) STREET ADDRESS LINE NO. 1 <b>same as above</b>		
(15) STREET ADDRESS LINE NO. 2		
(16) CITY		(17) STATE
(18) ZIP CODE		
(19) DAYTIME TELEPHONE NUMBER (include area code)		(20) COUNTRY CODE (if not in U.S.A.)
<b>FCC REGISTRATION NUMBER (FRN) AND TAX IDENTIFICATION NUMBER (TIN) REQUIRED</b>		
(21) APPLICANT (FRN) <b>0002808137</b>		(22) APPLICANT (TIN) <b>371098627</b>
<b>COMPLETE SECTION C FOR EACH SERVICE, IF MORE BOXES ARE NEEDED, USE CONTINUATION SHEET</b>		
(23A) CALL SIGN/OTHER ID <b>WSIL-DT</b>		(24A) PAYMENT TYPE CODE <b>MGT</b>
(25A) QUANTITY <b>1</b>		
(26A) FEE DUE FOR (PTC) <b>\$150.00</b>	(27A) TOTAL FEE <b>\$150.00</b>	FCC USE ONLY
(28A) FCC CODE 1		(29A) FCC CODE 2
(23B) CALL SIGN/OTHER ID		(24B) PAYMENT TYPE CODE
(25B) QUANTITY		
(26B) FEE DUE FOR (PTC)	(27B) TOTAL FEE	FCC USE ONLY
(28B) FCC CODE 1		(29B) FCC CODE 2
<b>SECTION D - CERTIFICATION</b>		
(30) CERTIFICATION STATEMENT I, <b>Steve Wheeler</b> , certify under penalty of perjury that the foregoing and supporting information is true and correct to the best of my knowledge, information and belief. SIGNATURE <u><i>Steve Wheeler</i></u> DATE <u>6/24/05</u>		
<b>SECTION E - CREDIT CARD PAYMENT INFORMATION</b>		
(31) <input checked="" type="checkbox"/> MASTERCARD	MASTERCARD/VISA ACCOUNT NUMBER:	EXPIRATION DATE:
<input type="checkbox"/> VISA	I hereby authorize the FCC to charge my VISA or MASTERCARD for the service(s)/authorization herein described. SIGNATURE _____ DATE _____	



### ANTI-DRUG ABUSE ACT CERTIFICATION

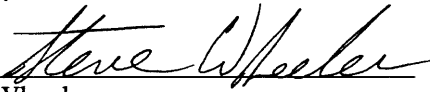
By checking "Yes", the applicant certifies that, in the case of an individual applicant, he or she is not subject to a denial of federal benefits pursuant to Section 5301 of the Anti-Drug Abuse Act of 1988, 21 U.S.C. §862, or, in the case of a non-individual applicant (e.g., corporation, partnership or other unincorporated association), no party to the application is subject to a denial of federal benefits pursuant to that section. For the definition of a "party" for these purposes, refer to 47 C.F.R. §1.2002(b).

☒ Yes

☐ No

WSIL-TV, Inc.

By:

  
Steve Wheeler  
President

Date: June 24, 2005

EXHIBIT A

ENGINEERING STATEMENT

The engineering data contained herein have been prepared on behalf of WSIL-TV, INC., licensee of WSIL-TV and permittee of WSIL-DT in Harrisburg, Illinois, in support of its request for waiver of the Commission's July 1, 2005, deadline for maximization of the WSIL-DT facility, as authorized in BPCDT-19991019ABM.

In its Pre-Election Certification (BCERCT-20041105AIH) and First Round Digital Channel Election (BFRECT-20050125AGR), the licensee chose to operate post-transition on Channel 34 with the facilities authorized in the above-referenced construction permit. These parameters include an effective radiated power of 1000 kw and an antenna radiation center mounted 488 meters above mean sea level. Under Special Temporary Authority (STA), WSIL-DT presently operates on Channel 34 with an effective radiated power of 1000 kw and an antenna radiation center of 451 meters above mean sea level (BDSTA-20020905ABU). Analog WSIL-TV operates on Channel 3 with an antenna radiation center mounted 488 meters above mean sea level on the same tower.

Exhibit B is a map upon which the authorized and STA service (41 dBu) contours of WSIL-DT are plotted. Based on the 2000 U.S. Census and geometric calculation, the population and area values for each of these contours are:

<u>WSIL-DT Facility</u>	<u>Population</u>	<u>Area (sq. km)</u>
Authorized	688,167	31,006
STA	657,433	28,489

EXHIBIT A

The WSIL-DT STA facility serves 95.5 percent of the population covered by the facility authorized in BPCDT-19991019ABM. In addition, the STA facility covers 91.1 percent of the authorized facility's service area.

The only way to comply with the FCC's deadline to maximize WSIL-DT would be to remove the analog Channel 3 antenna and mount the Channel 34 antenna in its place. The Channel 3 antenna would have to be moved down into the present Channel 34 aperture.

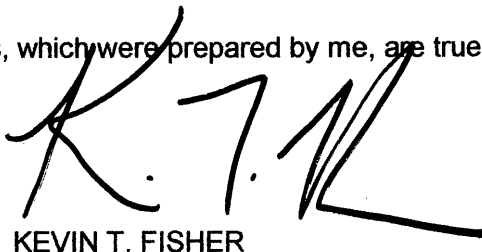
Exhibit C is map upon which the licensed WSIL-TV Grade B contour is plotted in relation to that which would obtain if the antenna were moved down into the aperture of the present WSIL-DT antenna. The area and population values for these contours are:

<u>WSIL-TV Facility</u>	<u>Population</u>	<u>Area (sq. km)</u>
Licensed	786,514	34,930
At DTV Ht.	729,728	32,989

Compliance with the FCC's maximization deadline would result in nearly 57,000 people losing their analog ABC programming, which would certainly not be in the public's interest.

Therefore, for the reasons stated above, a waiver of the Commission's July 1, 2005, DTV maximization deadline is respectfully requested and believed to be justified.

The foregoing statements and attached maps, which were prepared by me, are true and correct to the best of my knowledge and belief.

  
KEVIN T. FISHER

June 27, 2005

